

Translation

PATENT COOPERATION TREATY

PCT/EP2003/006712



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/006712	International filing date (day/month/year) 25 June 2003 (25.06.2003)	Priority date (day/month/year) 25 June 2002 (25.06.2002)
International Patent Classification (IPC) or national classification and IPC H02G 3/32		
Applicant FAURECIA INNENRAUM SYSTEM GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23 January 2004 (23.01.2004)	Date of completion of this report 14 April 2004 (14.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/006712

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-11, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-13, filed with the letter of 23 January 2004 (23.01.2004)
- ☒ the drawings:
 pages 1/4-4/4, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 14
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/06712

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims	13	NO
Inventive step (IS)	Claims	1-12	YES
	Claims	13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-6 087 593 (SKIPWORTH ET AL.) 11 July 2000
(2000-07-11)

D2: EP-A-0 276 926 (TRW UNITED-CARR LTD) 3 August
1988 (1988-08-03)

D3: US 2002/000499 A1 (AOKI ET AL.) 3 January 2002
(2002-01-03)

D4: JP 09 159062 A (SUMITOMO WIRING SYST LTD)
17 June 1997 (1997-06-17)

1. The amended claim 1 is based on the originally filed claim 1 (now the preamble) and the originally filed dependent claim 10, which now forms the characterizing part of claim 1.
2. D1 discloses (see the abstract and figures 1 and 2) a cable holding device displaying the features of the preamble of claim 1.
3. Proceeding from D1, the objective problem is that of positioning the detent base securely in an opening even when the edges have not been deburred.

4. In the case of the cable holding device as per claim 1, a wedge having a guide system for expanding and securing the detent base in the opening is provided for solving the problem of interest.
5. D2, D3 and D4 disclose further generic cable holding devices; cf.:
 - D2, abstract and figure 1;
 - D3, abstract and figure 1;
 - D4, figures 1 to 3.
6. None of documents D2, D3 or D4 contains anything to suggest the features of the characterizing part of independent claim 1. Taking D1 as a starting point, the solution as per claim 1 therefore cannot be attained in an obvious manner by any combination with the other documents.
7. There are no objections as concerns industrial applicability.
8. Therefore independent claim 1 would appear to meet the novelty, inventive step and industrial applicability requirements of PCT Article 33(1). Claims 2 to 12 concern advantageous configurations and therefore likewise meet the stated requirements.
9. The present application fails to meet the requirement of PCT Article 33(2) since the subject matter of independent claim 13 is not novel in light of the prior art as defined in the Regulations (PCT Rule 64.1 to 64.3).

Claim 13 is considered an additional independent claim. According to European Patent Office examination practice, the wording "for holding the cable holding device" is interpreted to mean only that the claimed motor vehicle door has an opening suitable for the cable holding device. However, it is not binding for claim 13 to contain the features of the cable holding device as per claim 1. Clearly, the opening in the motor vehicle door as per D1 would be suitable for the cable holding device as per claim 1.

Further observations:

If claim 13 were drafted as a dependent claim, there would be no objections; for example:
Motor vehicle door comprising a supporting base structure with an opening in which a cable holding device according to any one of claims 1 to 12 is secured.

In order to meet the requirements of PCT Rule 5.1(a)(ii), the description should have cited D1, D2 and D3 and briefly outlined the relevant prior art contained therein.

When filing amended claims, the applicant should have at the same time adapted the description to the amended claims (in particular page 3, paragraph 2; pages 5 and 6, connecting paragraph; and page 10, paragraph 4) in order to avoid any confusion when the claims are read together with the description (PCT Article 6). A lack of clarity (or inconsistency) between the definition of the invention in the

claims and in the description) arises in particular when features which have been included in the independent claims are presented in the description as being optional or when features in the description are said to be in accordance with the invention but are not defined in the independent claims.

In order to avoid having to adapt the description for each set of claims newly submitted, in particular in the light of any future proceedings (e.g. regional phase; opposition; appeal; etc.), it is proposed as a general measure that the invention be defined as follows in the description: "The invention is defined by the features in the independent claim. Preferred embodiments are defined in the dependent claims" and the description otherwise be kept completely neutral, i.e. repetition of the claims should be avoided and the description of the embodiments should not state that features are in accordance with the invention or optional.

NB: These formal amendments can be made in the regional phase.